

## **REMARKS**

Claims 19-42 are pending in their petition. In the present document, substitute drawings are being submitted and amendments have been made to the specifications to address objections raised by the Examiner. No claim amendments have been made. No new matter has been added by the amendments.

Reconsideration of the application as amended is respectfully requested. The Examiner's objections and rejections are addressed in substantially the same order as in the reference of his action.

In § 2 of the office action, the Examiner contends that US Patent 6,452,388 (which issued from the grand-parent application Ser. No. 09/605,463) was filed on June 20, 2002. There is no basis for this contention. As can be clearly seen on the front page of US 6,452,388, the filing date of the application is June 28, 2000. The filing date of June 20, 2002 is that of US Patent 6,844,727, the parent application. Clarification is sought.

## **Objection to the Drawings**

The Examiner has objected the drawings for the use of reference numeral 3 in figure 1 and in figure 3 for two different elements. Figure 3 has been amended to address this objection. The specifications have been amended accordingly.

The Examiner has requested that figures 1-9 be labeled as prior art. This has been done. The specifications have been amended accordingly.

The Examiner has objected to figure 7 for showing item 71 that is not discussed in the specifications. The specifications have been amended to address this objection.

The Examiner has objected to figure 10 for showing items 101 and 103 that are not discussed in the specifications. The specifications have been amended to address this objection.

The Examiner has objected to figure 12 for showing item 201 that is not discussed in the specifications. The specifications have been amended to address this objection.

The Examiner has objected to figure 7 for not illustrating isolines when these are taught in the text. Applicant would like to bring to the attention of the Examiner the fact that it is clearly stated in the discussion of figure 7 that no isolines are seen. **See page 11 line 11.** Clarification is sought.

#### **REJECTION UNDER 35 USC § 102**

Claims 19-20, 23-26, 35 and 36-42 stand rejected under 35 USC § 102(a) as being anticipated by *Reiderman* (WO 02/01256) published on January 3, 2002.

Claims 19, 27 and 35 are independent claims.

The Examiner has cited page 4 lines 10-16 of *Reiderman* for a teaching of “wherein at least one of the antenna assemblies includes at least one magnetic core formed from a material having (I) high internal magnetostrictive damping, and (II) low magnetostriction.”

It is worthwhile to compare page 4 lines 7-16 of WO0201256

“In a preferred embodiment, the RF magnetic flux is concentrated in the preferred core, thus, the conductivity of the probe permanent magnet does not reduce RF antenna efficiency of the probe, thereby enabling utilization of the strongest available commercial magnets. The preferred powdered core material reduces or eliminates magnetostrictive ringing by virtue of the particulate structure of the preferred material. The magnetic particle size of the preferred core material (powder) is substantially smaller than the minimum wavelength for acoustic excitation associated with magnetostrictive ringing. Moreover, the preferred probe antenna core magnetic and electrical characteristics are more stable than ferrite core characteristics in the presence of temperature variations,”

with

col. 3 lines 13-27 of US6452388, the grandparent document to the present application:

“In a preferred embodiment, the RF magnetic flux is concentrated in the preferred core, thus, the conductivity of the probe permanent magnet does not reduce RF antenna efficiency of the probe, thereby enabling utilization of the strongest available commercial magnets. The preferred powdered core material reduces or eliminates magnetostrictive ringing by virtue of the particulate structure of the preferred material. The magnetic particle size of the preferred core material (powder) is substantially smaller than the minimum wavelength for acoustic excitation associated with magnetostrictive ringing. Moreover, the preferred probe antenna core magnetic and electrical characteristics are more stable than ferrite core characteristics in the presence of temperature variations.”

There is no difference. This is not surprising as the grandparent application is the priority document for *Reiderman* (See priority application identified as US 09/605,463 on the front page of *Reiderman*).

The Examiner is thus citing the PCT publication of the applicant's own priority document for a rejection under 35 USC § 102. This is totally baseless and the rejection must be withdrawn. Accordingly, applicant respectfully submits that claims 19-42 are patentable under 35 USC §102 over *Reiderman*.

Claims 19-20, 23-26 and 36-42 stand rejected under 35 USC §102(e) as being anticipated by *Reiderman* (US6452388). As noted above, *Reiderman* '388 is the priority document for the present application and the rejection is without merit.

#### **REJECTION UNDER 35 USC § 103**

Claims 21, 22 and 27-34 stand rejected under 35 USC § 103(a) as being obvious over *Reiderman*. As noted above, the priority document for the present application is the same as that of *Reiderman* and the rejection is without merit.

Claims 21, 22 and 27-34 stand rejected under 35 USC §103(a) over *Reiderman* '388. As noted above, the priority document for the present application is the application that issued as the *Reiderman* '388 patent and the rejection is without merit.

### **OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 19-42 sand rejected under the judicially created doctrine of obviousness-type double patenting over the claims of *Reiderman* '388.

A terminal disclaimer is being filed concurrently with the present document to address this rejection.

Claims 19-42 sand rejected under the judicially created doctrine of obviousness-type double patenting over the claims of US7084625 to *Kruspe* et al.

A terminal disclaimer is being filed concurrently with the present document to address this rejection.

A request for a one-month extension of time to respond to the office action accompanies this document.

The Commissioner is hereby authorized to charge any fees and credit any overpayments to **Deposit Account 02-0429 (414-13268WOC-P-US)**.

Respectfully submitted

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